

Waterbury Select Board and Village Trustees
April 4, 2016
7:00 pm, 28 North Main St - Municipal Complex
Minutes

Present: D. Schneider, C. Viens, M. Frier, J. Brown, Select Board; P. H. Flanders, L. Sayah, N. Howell, Trustees; W. Shepeluk, Municipal Manager; S. Lotspeich, Community Planner; S. Blow, Waterbury Record; Anne Imhoff, ORCA Media; C. Nelson, Secretary.

Public: Zoe Gordon, Kathi Grace, Everett Coffey.

D. Schneider called the meeting of the Town Select Board to order at 7:01pm.

P. H. Flanders called the meeting of the Village Trustees to order at 7:01pm.

APPROVE AGENDA

J. Brown asked that the Board add the consideration of a \$1,000 grant for tree planting to the agenda as it is time sensitive. No match is required. **M. Frier made a motion to add the discussion of the grant to the agenda, to be discussed after the North Hill Cell Tower update. The motion was seconded by C. Viens. A vote was held, and the motion passed unanimously.**

C. Viens moved to approve the agenda as presented, with the addition of the discussion of the tree planting grant. J. Brown seconded the motion, a vote was held and the motion passed unanimously.

CONSENT AGENDA ITEMS

C. Viens moved to approve the consent agenda items a. through f. as presented. J. Brown seconded the motion, a vote was held and the motion passed unanimously.

PUBLIC COMMENT

E. Coffey asked for permission to comment as each item arrives. D. Schneider approved, and stated there would be an opportunity for the public to comment on each agenda item as it was discussed, if necessary.

CONSIDER ISSUES CONCERNING FLOOD PLAIN HAZARD REGULATIONS

P. H. Flanders provided information to the Boards regarding updated elevations and projected frequency of occurrence, which he stated further supported his belief that the new flood hazard regulations should require a base flood elevation plus 2ft for both new and existing construction, instead of the 3ft that had been previously proposed. S. Lotspeich joined the discussion and highlighted several areas in the draft regulations that would need to be changed if the Board decided on a BFE+2ft elevation requirement. M. Frier asked for clarification about why there was a distinction between elevation requirements for renovations and new construction, and S. Lotspeich responded that the Planning Commission felt that an accommodation needed to be made for owners of existing buildings, and also that they must be separated in the bylaws anyway as part of a federal requirement. S. Lotspeich stated that the federal regulation for flood plain development is to meet at least the current flood plain level, and the State regulation is currently at a BFE+2ft requirement. C. Viens stated concerns regarding how operationally a 3ft elevation requirement

would work, for example more materials are required to build the initial slab which could potentially raise the flood level should a flood occur.

Discussion continued on compensatory storage and how the BFE affects it. M. Frier spoke regarding other options that a developer can use to raise buildings. K. Grace spoke to reiterate that these are flood hazard regulations, not development regulations. Lower areas are not meant to be developed, they are meant to be used as a flood storage area. M. Frier responded that if you were to build in these areas, the permits would be used to regulate these and guarantee that once developed, those areas would still be able to store as much water, and that it is important to allow development in the flood plain as long as it is done safely. W. Shepeluk stated that the Town and Village cannot tell a property owner that they cannot build on their property, and instead are working to create regulations that make sense and also protect the surrounding area.

S. Lotspeich provided handouts regarding the draft variances. Criteria for State statute and Federal standards on variances and appeals were discussed. The Town and Village's current draft would be in conformance with the opinion received from ANR. If an application for variance is received by the Town or Village, the current requirement is that the State is allowed to review and comment - it would be beneficial for all parties to mirror the State's legal opinion to avoid any potential issues with compliance in the future. Shepeluk clarified that while helpful, the Town and Village boards do not need to be in exact agreement with certain areas of the bylaws. Frier spoke to advocate for the same set of regulations for Town and Village. Howell stated that a BFE+2ft regulation seems a fair compromise, based on facts presented as well as comments from the public and also stated that the State's experts seem comfortable with a BFE+2ft regulation.

N. Sherman made a motion for the Village Trustees to adopt the amended flood regulations of Dec 14, 2015 which included requirements of 2ft above BFE for both existing and new construction, and which also included the alternate variance language in accordance with proposed language as provided by S. Lotspeich. L. Sayah seconded the motion, a vote was held and passed unanimously.

C. Viens stated that he feels the proposal for only a BFE+2ft requirement seems shortsighted and that development in the floodplain may eventually cause issue, but is willing to move forward. **C. Viens moved to adopt the new flood regulations at 2ft above BFE, and to approve the revised variance language as presented by S. Lotspeich, in accordance with the draft approved by the Trustees. Frier seconded the motion.** J. Brown stated that she was opposed to the 2ft above BFE change, but would support the use of the 3ft above BFE. D. Schneider stated he is in agreement with C. Viens, and that this may not be the best long-term decision. C. Viens further stated that until State and Federal regulations begin to accommodate long term issues, the current draft was the best option to move forward. **A vote was held and M. Frier, C. Viens, D. Schneider voted yes, J. Brown voted no. The motion passed 3-1.**

N. Howell moved to warn a special public hearing of the Trustees on Monday, April 25 at 6pm at 28 North Main Street. L. Sayah seconded the motion, and the motion passed unanimously.

M. Frier moved to warn a special public hearing of the Select Board, to be held as a joint meeting with the Trustees, on Monday, April 25 at 6pm at 28 North Main Street. J. Brown

seconded the motion, and the motion passed unanimously. Once hearing is warned, any incoming applications for new or existing construction will be considered under the changes listed today.

K. Grace thanked the Boards for their work. E. Coffey commented his support for the same motions.

N. Howell moved to adjourn the meeting of the Village Trustees at 8:17pm. L. Sayah seconded, and the motion passed unanimously.

Respectfully submitted,

Courtney Nelson, Guest Secretary

Approved: _____

P. Howard Flanders

Lawrence Sayah

Natalie Sherman